

## REMARKS

Claims 14 to 26 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

The Examiner has rejected claims 14 to 26 under the judicially created doctrine of non-statutory, obviousness-type double patenting, as being unpatentable over claims 15 to 31 of U.S. Patent Application No. 10/070,113. As an initial matter, claim 15 has been canceled, rendering moot the present rejections with respect to claim 15. Independent claims 14, 25, and 26 have been amended to provide for the provision of a *single* ionic current detection electrode, or for the arrangement of the first and second feeder layers to operate as ionic current detection electrodes. Support for the amendments to the claims may be found in the Substitute Specification, e.g., at page 4, line 30 to page 5, line 14, and at page 6, lines 16 to 28; and in the Drawings, e.g., Figure 2. In view of the added limitations, the double-patenting rejection of claims 14 to 26 over U.S. Patent Application No. 10/070,113 should be withdrawn.

Claims 14 to 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Published Patent Application No. WO97/38223 to Sato et al. ("Sato et al."). In order to anticipate a claim, a reference must identically show every limitation in the claim. Claim 14, as amended herein without prejudice, recites that either the heating element includes a single ionic current detection electrode not connected to the first and second feeder layers, or the first and second feeder layers are arranged to operate as ionic current detection electrodes, where an electrical voltage having a same voltage potential is applied to the first and second feeder layers for ionic current detection. The Examiner asserts that the two sides of the U-type heating element 7 of Sato et al. meet the recited first and second feeder layers. However, Sato et al. state that element 14, which is formed integrally with the heating element 7, is an ion current detecting electrode, and that an electrical voltage is applied only to one of the sides of the heating element 7, i.e., the side connected to the lead wire 11a, for ion current detection. Nowhere do Sato et al. disclose, or even suggest, providing an ionic current detection electrode that is not connected to the first and second feeder layers, or otherwise arranging the first and second feeder layers as ionic current detection electrodes, such that an electrical voltage is applied to both layers for ionic current detection. Therefore, Sato et al. do not anticipate claim 14 (or any of its dependent claims).

Claim 25, as herein amended without prejudice, recites that an electrical voltage is applied to the first and second feeder layers. As set forth above in support of the

patentability of claim 14, Sato et al. do not disclose, or even suggest, this feature. Therefore, Sato et al. do not anticipate claim 25.

Claims 26, as herein amended without prejudice, recites providing an electrical voltage to an ionic current detection electrode that is not connected to the first and second feeder layers. As set forth above, in support of the patentability of claim 14, Sato et al. do not disclose, or even suggest, this feature. Therefore, Sato et al. do not anticipate claim 26. Accordingly, withdrawal of this rejection is respectfully requested.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,  
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